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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

SARA MEZA, an individual,

Case No.

Plaintiff,

**PLAINTIFF'S COMPLAINT FOR  
DAMAGES AND DEMAND FOR JURY**

VS.

UNITED STATES POSTAL SERVICE,  
STEVEN CONSULO, and DOES 1 TO 10,  
inclusive.

### Defendants.

## **1. Negligence – Motor Vehicle**

NOW COMES plaintiff, Sara Meza, by and through her counsel, Daniel L. McCrary of McCrary Law Firm, PC, complains of Defendants and alleges as follows:

## JURISDICTION

1. This action is brought pursuant to the Tort Claims Act, 28 U.S.C. §2671 et seq. Jurisdiction is founded on 28 U.S.C. §1346(b).

## VENUE

2. Venue is proper in the Eastern District of California. The motor vehicle accident giving rise to this complaint occurred on northbound I-5 near the Meadowview Exit in Sacramento, California, which is within the present judicial district. Plaintiff also resides within this judicial district.

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## PARTIES

3. Plaintiff, Sara Meza (hereinafter "Plaintiff") is and at all relevant times was a resident of Sacramento, California.

4. The United States Postal Services (hereinafter “USPS”) is a defendant in this matter therefore this jurisdiction is proper.

5. At all times relevant herein, defendant Steven Consulo (hereinafter "Consulo") was and is an agent and/or employee of USPS.

## **COMPLIANCE WITH THE CLAIMS PROCEDURE**

6. On January 14, 2021, pursuant to the Federal Tort Claims Act (28 USC §2671, et seq.), Plaintiff submitted a Claim For Damage, Injury, or Death based on the allegations herein to the USPS for administrative settlement.

7. The USPS did not expressly deny the claim and six months have passed. Accordingly, Plaintiff has complied with the requirements of the Federal Tort Claims Act for the timely filing of claims. Such claims having been denied, Plaintiff hereby institutes the present lawsuit.

## FACTS

8. On December 2, 2019, Plaintiff's vehicle was traveling northbound on I-5 near the Meadowview exit in Sacramento, California when it was struck by a USPS tractor/trailer attempting to merge into her lane of travel.

9. Plaintiff is informed and believes that Consulo was acting within the course and scope of his employment and agency with the USPS at the time and place set forth in this complaint.

10. Plaintiff is further informed and believes that Consulo was authorized to and did operate a motor vehicle in order to perform his duties on behalf of USPS identified with the number 0621051 located on the front grill and below the back window of the truck.

## **FIRST CAUSE OF ACTION**

## **NEGLIGENT OPERATION OF A MOTOR VEHICLE**

11. Plaintiff realleges and incorporates by reference paragraphs 1 through 10 above as though fully set forth herein.

12. At all times mentioned herein, I-5 is a major north-south route of the Interstate Highway

System in the United States that runs through Sacramento, California.

13. On December 2, 2019, Consulo and each defendant herein did negligently and carelessly own, rent, lease, bail, operate, control, repair, maintain and entrust that certain semi-tractor specifically identified with the number 0621051, so as to cause the same to collide with Plaintiff's vehicle.

14. Consulo was driving negligently and carelessly, including but not limited to making an unsafe lane change into Plaintiff's lane of travel.

15. Consulo was also negligent in failing to pay attention to his whereabouts and nearby traffic. Consulo knew or should have known that there was traffic in the lane that he attempted to maneuver into, which would be unsafe, all of which negligence, carelessness and recklessness constituted the proximate cause of him colliding with Plaintiff's vehicle.

16. As a proximate result of each and all of the aforesaid acts and omission of the defendants, Plaintiff was seriously injured. Plaintiff suffered a traumatic brain injury, partial tear in the tendon of her left shoulder, disc protrusions in her cervical spine, lumbar spine injuries that required two sets of medial branch block injections and radio frequency ablation. As a result of said injuries, Plaintiff had and, in the future, will have physical, emotional and emotional pain, suffering, worry and anxiety.

17. As a proximate result of each and all of the aforesaid acts and omissions of the defendants, Plaintiff has suffered grave and serious mental anguish, fear, anxiety and illness, a portion of said injuries being permanent. As a proximate result of said injuries and damages, Plaintiff has had, and in the future will have, physical, mental and emotional pain, suffering, worry and anxiety.

18. By reason of said injuries, Plaintiff has incurred, and will incur in the future, hospital, surgical, ambulance, medical, nursing and household expenses, all to her future damage.

19. As a proximate result of each and all of the aforesaid acts and omissions of the defendants, Plaintiff's vehicle sustained damage in the amount of \$6,773.56.

20. By reason of said collision, Plaintiff was deprived of the use of an automobile for a period of time, all to Plaintiff's further damage, according to proof.

## **DEMAND FOR JURY**

21. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial of the above-entitled matter by jury on all issues to which Plaintiff is entitled.

PRAYER

WHEREFORE, Plaintiff respectfully requests the following relief against all defendants:

- a. For past and future medical expenses, and related expenses, according to proof;
  - b. For property damage, according to proof;
  - c. For general damages;
  - d. For all other costs, expenses and incidental damages;
  - e. For prejudgment interest and attorney's fees;
  - f. For costs of suit incurred herein; and
  - c. Such further relief as the Court deems just or proper.

DATED: October 20, 2021

McCRARY LAW FIRM, PC

By: Daniel L. McCrary, Esq.  
Counsel for Plaintiff, Sara Meza

McCrary Law Firm, PC